

FILED

**AFFIDAVIT ACCOMPANYING MOTION FOR
PERMISSION TO APPEAL IN FORMA PAUPERIS**
United States Court of Appeals
for the Seventh Circuit

JAN 23 2008 *aw*
Jan 23, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Michael Blackv. Case No. 07CV 7032Exec. Comm

) Appeal from the United States District Court for the
) Northern District of Illinois
)
) District Court No. 98-CR-434-9
) No. 08-7049
) District Court Judge Milton I. Shadua
)

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Michael Black**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 1/12/08

My issues on appeal are:

IN THIS PRESENT CASE THE JUDGMENT GIVEN WAS BEYOND THE JURISDICTION OF THE COURT, BECAUSE IT WAS AGAINST AN EXPRESS PROVISION OF THE CONST. TUTION. AND BASIC FUNDAMENTAL PRINCIPLES OF LIBERTY AND JUSTICE.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>See page 5 Att'l</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

4. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value) <u>0</u>	Other real estate (Value) <u>0</u>	Motor Vehicle #1 (Value) <u>0</u>
<u>0</u>	<u>0</u>	Make & year: <u>0</u>
<u>0</u>	<u>0</u>	Model: <u>0</u>
		Registration # <u>0</u>
Motor Vehicle #2 (Value) <u>0</u>	Other assets (Value) <u>0</u>	Other assets (Value) <u>0</u>
Make & year: <u>0</u>	<u>0</u>	<u>0</u>
Model: <u>0</u>	<u>0</u>	<u>0</u>
Registration # <u>0</u>	<u>0</u>	<u>0</u>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$ 0	\$ 0
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 0	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0
Transportation (not including motor vehicle expenses)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments) Homeowner's or renter's	\$ 0	\$ 0

Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ <u>0</u>	\$ <u>0</u>
Installment payments	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card (name): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Department store (name): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detail)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>0</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

[] Yes [☒ No] If yes, describe on an attached sheet.

10. Have you paid-or will you be paying-an attorney any money for services in connection with this case, including the completion of this form?

[] Yes [☒ No] If yes, how much? \$ 0

If yes, state the attorney's name, address, and telephone number:

NO Attorney
NO
NO

11. Have you paid or will you be paying anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

[] Yes [☒] No If yes, how much? \$ 0

If yes, state the person's name, address, and telephone number:

N/A
N/A
N/A

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I been in prison nearly 10 years. I CAN NOT WORK due to Congestive Heart Failure, and Complete PARAPLEGIC with NO movement from the chest down. AS WELL SEVERAL other illness that prevent me from working.

13. State the address of your legal residence.

Michael Black #11354-424
P.O. Box 879
Ayer MA 01432 F.M.C. DEVERNS

Your daytime phone number: () N/A

Your age: 39 Your years of schooling: 11th

Your social-security number: 432-23 8700

14. over the last 10 years of imprisonment, Family And Friends From Time to Time has sent me money. I have NO control over the time or the Amounts

I have NO money to speak of, NOR do I have Knowledge AS to when or how, I will receive ANY. I Am At the mercy of This Court, AS to this matter AS well. the proceeding that are before this Court.

However, I will pay such fees AS soon AS I receive ANY money. Please accept the above statement AS to my current level of poverty.

Michael Black #11354-424
P.O. Box 879

Ayer MA 01432

1/12/08

Inmate Statement

Inmate Reg #:	1135424	Current Institution:	Devens FMC
Inmate Name:	BLACK, MICHAEL	Housing Unit:	DIV-P-C
Report Date:	01/12/2008	Living Quarters:	P03-26H
Report Time:	12:15:51 PM		

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
DEV	1/8/2008 7:13:34 PM	TFN0108			Phone Withdrawal	(\$10.00)		\$0.33
DEV	1/8/2008 11:25:50 AM	TFN0108			Phone Withdrawal	(\$2.00)		\$10.33
DEV	1/8/2008 6:51:12 AM	5			Sales	(\$57.70)		\$12.33
DEV	1/7/2008 6:11:07 PM	TFN0107			Phone Withdrawal	(\$5.00)		\$70.03
DEV	1/7/2008 5:23:37 PM	TFN0107			Phone Withdrawal	(\$3.00)		\$75.03
DEV	1/6/2008 12:10:11 AM	HICD1207 - 275			Debt Encumbrance - Released		\$1.97	-----
DEV	1/6/2008 12:10:11 AM	HICD1207 - 248			Debt Encumbrance - Released		\$0.03	-----
DEV	1/6/2008 12:10:11 AM	HICD1207			Inmate Co-pay	(\$2.00)		\$78.03
DEV	1/5/2008 8:12:18 PM	TFN0105			Phone Withdrawal	(\$20.00)		\$80.03
DEV	1/5/2008 5:12:17 AM	70199101			Lockbox - CD	\$100.00		\$100.03
DEV	1/5/2008 5:12:17 AM	HICD1207 - 275			Debt Encumbrance		(\$1.97)	-----
DEV	12/28/2007 9:42:53 AM	HICD1207 - 248			Debt Encumbrance		(\$0.03)	-----
DEV	12/27/2007 7:47:46 AM	TFN1227			Phone Withdrawal	(\$10.00)		\$0.03
DEV	12/23/2007 7:09:04 PM	TFN1223			Phone Withdrawal	(\$5.00)		\$10.03
DEV	12/23/2007 1:04:41 PM	TFN1223			Phone Withdrawal	(\$5.00)		\$15.03
DEV	12/22/2007 5:20:44 PM	TFN1222			Phone Withdrawal	(\$20.00)		\$20.03
DEV	12/22/2007 5:16:22 PM	33306008			Western Union	\$40.00		\$40.03
DEV	12/5/2007 5:28:50 PM	TFN1205			Phone Withdrawal	(\$11.00)		\$0.03
DEV	12/5/2007 7:25:06 AM	15			Sales	(\$19.85)		\$11.03
DEV	12/4/2007 8:33:24 PM	TFN1204			Phone Withdrawal	(\$5.00)		\$30.88
DEV	12/4/2007 7:52:37 PM	TFN1204			Phone Withdrawal	(\$5.00)		\$35.88
DEV	12/2/2007 2:27:20 PM	TFN1202			Phone Withdrawal	(\$20.00)		\$40.88
DEV	12/1/2007 7:46:10 AM	TFN1201			Phone Withdrawal	(\$20.00)		\$60.88
DEV	11/30/2007 11:39:21 AM	29			Sales	(\$9.80)		\$80.88
DEV	11/28/2007 9:27:20 PM	TFN1128			Phone Withdrawal	(\$5.00)		\$90.68
DEV	11/28/2007 6:58:25 AM	7			Sales	(\$105.30)		\$95.68
DEV	11/22/2007 5:13:14 AM	70196201			Lockbox - CD	\$200.00		\$200.98
DEV	11/14/2007 6:47:25 AM	1			Sales	(\$5.55)		\$0.98
DEV	11/13/2007 9:20:39 PM	TFN1113			Phone Withdrawal	(\$1.00)		\$6.53
DEV	11/13/2007 5:04:58 PM	TFN1113			Phone Withdrawal	(\$3.00)		\$7.53
DEV	11/11/2007 12:37:55 PM	TFN1111			Phone Withdrawal	(\$5.00)		\$10.53
DEV	11/10/2007 6:31:52 PM	TFN1110			Phone Withdrawal	(\$5.00)		\$15.53
DEV	11/9/2007 5:18:44 PM	TFN1109			Phone Withdrawal	(\$10.00)		\$20.53

DEV	11/8/2007 6:45:16 PM	TFN1108	Phone Withdrawal	(\$10.00)		\$30.53
DEV	11/8/2007 10:44:33 AM	TFN1108	Phone Withdrawal	(\$5.00)		\$40.53
DEV	11/6/2007 9:22:08 PM	TFN1106	Phone Withdrawal	(\$5.00)		\$45.53
DEV	11/4/2007 5:21:33 PM	TFN1104	Phone Withdrawal	(\$20.00)		\$50.53
DEV	11/3/2007 10:38:33 PM	TFN1103	Phone Withdrawal	(\$10.00)		\$70.53
DEV	11/2/2007 11:23:58 AM	TFN1102	Phone Withdrawal	(\$10.00)		\$80.53
DEV	11/1/2007 12:10:32 AM	4BUHD030 - 1	Debt Encumbrance - Released		\$37.97	-----
DEV	11/1/2007 12:10:32 AM	4BUHD030 123	PLRA Payment	(\$37.97)		\$90.53
DEV	10/31/2007 5:40:45 PM	TFN1031	Phone Withdrawal	(\$1.00)		\$128.50
DEV	10/31/2007 7:32:37 AM	1	Sales	\$38.40		\$129.50
DEV	10/31/2007 7:03:13 AM	11	Sales	(\$52.65)		\$91.10
DEV	10/30/2007 5:15:24 PM	TFN1030	Phone Withdrawal	(\$20.00)		\$143.75
DEV	10/30/2007 9:10:16 AM	31	Sales	(\$38.40)		\$163.75
DEV	10/23/2007 8:13:03 AM	4	Sales	(\$38.95)		\$202.15
DEV	10/21/2007 5:19:37 AM	70194002	Lockbox - CD	\$50.00		\$241.10
DEV	10/21/2007 5:19:33 AM	70194002	Lockbox - CD	\$50.00		\$191.10
DEV	10/21/2007 5:19:30 AM	70194002	Lockbox - CD	\$50.00		\$141.10

Total Transactions: 128

Totals: (\$270.47) \$70.00

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
DEV	\$0.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.33
Totals:	\$0.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.33

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

Inmate Statement



Inmate Reg #:	11354424	Current Institution:	Devens FMC
Inmate Name:	BLACK, MICHAEL	Housing Unit:	DEV-P-C
Report Date:	01/12/2008	Living Quarters:	P03-2611
Report Time:	12:15:08 PM		

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
DEV	10/16/2007 9:05:59 AM	38			Sales	(\$36.70)		\$91.10
DEV	10/14/2007 12:48:14 PM	TFN1014			Phone Withdrawal	(\$1.00)		\$127.80
DEV	10/13/2007 11:37:44 AM	TFN1013			Phone Withdrawal	(\$5.00)		\$128.80
DEV	10/11/2007 7:37:50 PM	TFN1011			Phone Withdrawal	(\$5.00)		\$133.80
DEV	10/9/2007 10:40:26 AM	TFN1009			Phone Withdrawal	(\$8.00)		\$138.80
DEV	10/9/2007 8:02:19 38 AM				Sales	(\$31.65)		\$146.80
DEV	10/8/2007 12:18:28 PM	TFN1008			Phone Withdrawal	(\$10.00)		\$178.45
DEV	10/8/2007 12:00:21 PM	TFN1008			Phone Withdrawal	(\$10.00)		\$188.45
DEV	10/6/2007 6:43:21 PM	TFN1006			Phone Withdrawal	(\$10.00)		\$198.45
DEV	10/5/2007 11:09:40 AM	TFN1005			Phone Withdrawal	(\$8.00)		\$208.45
DEV	10/3/2007 7:05:12 13 AM				Sales	(\$71.55)		\$216.45
DEV	10/2/2007 6:21:11 33300208 PM				Western Union	\$100.00		\$288.00
DEV	10/1/2007 6:52:31 PM	TFN1001			Phone Withdrawal	(\$12.00)		\$188.00
DEV	10/1/2007 6:24:12 AM	TFN1001			Phone Withdrawal	(\$10.00)		\$200.00
DEV	10/1/2007 5:11:47 70192603 AM				Lockbox - CD	\$200.00		\$210.00
DEV	10/1/2007 5:11:47 4BUHD030 - AM 1				Debt Encumbrance		(\$37.97)	-----
DEV	10/1/2007 12:10:37 AM 932	4BUHD030 - 932			Debt Encumbrance - Released		\$10.00	-----
DEV	10/1/2007 12:10:37 AM 934	4BUHD030 - 934			Debt Encumbrance - Released		\$10.00	-----
DEV	10/1/2007 12:10:37 AM	4BUHD030 6			PLRA Payment	(\$10.20)		\$10.00
DEV	9/22/2007 11:39:45 AM	TFN0922			Phone Withdrawal	(\$9.00)		\$20.20
DEV	9/20/2007 12:15:19 PM	98			Sales	(\$3.50)		\$29.20
DEV	9/20/2007 12:14:20 PM	97			Sales	(\$7.30)		\$32.70
DEV	9/19/2007 8:27:21 PM	TFN0919			Phone Withdrawal	(\$10.00)		\$40.00
DEV	9/19/2007 10:41:34 AM	TFN0919			Phone Withdrawal	(\$10.00)		\$50.00
DEV	9/18/2007 11:50:08 AM	TFN0918			Phone Withdrawal	(\$10.00)		\$60.00
DEV	9/18/2007 12:10:15 AM	GICD0807 - 933			Debt Encumbrance - Released		\$2.00	-----
DEV	9/18/2007 12:10:15 AM	GICD0807			Inmate Co-pay	(\$2.00)		\$70.00
DEV	9/17/2007 10:03:25 PM	TFN0917			Phone Withdrawal	(\$8.00)		\$72.00
DEV	9/17/2007 11:08:30 AM	TFN0917			Phone Withdrawal	(\$20.00)		\$80.00
DEV	9/17/2007 5:13:13 70191603 AM				Lockbox - CD	\$50.00		\$100.00
DEV	9/17/2007 5:13:13 4BUHD030 - AM 934				Debt Encumbrance		(\$10.00)	-----
DEV	9/17/2007 5:13:07 70191603 AM				Lockbox - CD	\$50.00		\$50.00
DEV	9/17/2007 5:13:07 GICD0807 - AM 933				Debt Encumbrance		(\$2.00)	-----

DEV	9/17/2007 5:13:07 AM	4BUHD030 - 932	Debt Encumbrance	(\$10.00)	-----
DEV	8/1/2007 6:35:18 AM	TFN0801	Phone Withdrawal	(\$10.00)	\$0.00
DEV	8/1/2007 12:10:50 AM	4BUHD030 - 783	Debt Encumbrance - Released	\$10.00	-----
DEV	8/1/2007 12:10:50 AM	4BUHD030 - 737	Debt Encumbrance - Released	\$8.00	-----
DEV	8/1/2007 12:10:50 AM	4BUHD030 - 781	Debt Encumbrance - Released	\$8.00	-----
DEV	8/1/2007 12:10:50 AM	4BUHD030 950	PLRA Payment	(\$16.95)	\$10.00
DEV	7/25/2007 10:09:35 PM	TFN0725	Phone Withdrawal	(\$1.00)	\$26.95
DEV	7/25/2007 7:00:56 AM		Sales	(\$28.35)	\$27.95
DEV	7/24/2007 10:04:11 PM	TFN0724	Phone Withdrawal	(\$5.00)	\$56.30
DEV	7/24/2007 10:45:55 AM	TFN0724	Phone Withdrawal	(\$15.00)	\$61.30
DEV	7/23/2007 11:13:20 AM	TFN0723	Phone Withdrawal	(\$20.00)	\$76.30
DEV	7/23/2007 12:10:02 AM	GICD0707 - 782	Debt Encumbrance - Released	\$1.70	-----
DEV	7/23/2007 12:10:02 AM	GICD0707 - 776	Debt Encumbrance - Released	\$0.30	-----
DEV	7/23/2007 12:10:02 AM	GICD0707	Inmate Co-pay	(\$2.00)	\$96.30
DEV	7/22/2007 5:19:40 AM	70187702	Lockbox - CD	\$50.00	\$98.30
DEV	7/22/2007 5:19:40 AM	4BUHD030 - 783	Debt Encumbrance	(\$10.00)	-----
DEV	7/22/2007 5:19:31 AM	70187702	Lockbox - CD	\$40.00	\$48.30
1 2 3					

Total Transactions: 128

Totals: (\$270.47) \$70.00

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
DEV	\$0.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.33
Totals:	\$0.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.33

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		